

CHAPTER 5
AREA AGENCY ON AGING OPERATION
AND
PROVISION OF SUPPORTIVE SERVICES

5-1 DESIGNATION OF PLANNING AND SERVICE AREA

The State Agency procedures for designation of planning and service areas are found in Section 0030-1-5-.01 of the Rules of the State of Tennessee.

5-2 DESIGNATION OF AREA AGENCIES ON AGING

The State Agency procedures for designation of area agencies on aging are found in Section 0030-1-5-.02 of the Rules of the State of Tennessee.

5-3 AREA AGENCY ADVOCACY, PLANNING, AND SYSTEMS DEVELOPMENT RESPONSIBILITIES

The Older Americans Act intends that the area agency on aging shall be the leader relative to all aging issues on behalf of all older persons in the planning and service area. This means that the area agency shall proactively carry out, under the leadership and direction of the State agency, a wide range of functions related to advocacy, planning, coordination, inter-agency linkages, information sharing, brokering, monitoring and evaluation, designed to lead to the development or enhancement of comprehensive and coordinated community based systems in, or serving, each community in the planning and service area. These systems shall be designed to assist older persons in leading independent, meaningful and dignified lives in their own homes and communities as long as possible. Each activity undertaken by the agency, including planning, advocacy, and systems

development, will include a focus on the needs of low-income minority older individuals.

5-3-.01 ADVOCACY

Advocacy responsibilities of the area agency:

- (1) The area agency shall serve as the public advocate for the development or enhancement of comprehensive and coordinated community-based systems of services in each community throughout the planning and service area.
- (2) In carrying out this responsibility, the area agency shall:
 - (a) Monitor, evaluate, and, where appropriate, comment on all policies, programs, hearings, levies, and community actions which affect older persons;
 - (b) Solicit comments from the public on the needs of older persons;
 - (c) Represent the interests of older persons to local level and executive branch officials, public and private agencies or organizations;
 - (d) Consult with and support the State's long-term care ombudsman program; and
 - (e) Undertake on a regular basis activities designed to facilitate the coordination of plans and activities with all other public and private organizations, including units of general purpose local government, with responsibilities affecting older persons in the planning and service area to promote new or expanded benefits and opportunities for older persons.

- (3) Each area agency on aging shall undertake a leadership role in assisting communities throughout the planning and service area to target resources from all appropriate sources to meet the needs of older persons with greatest economic or social need, with particular attention to low income minority individuals. Such activities may include location of services and specialization in the types of services most needed by these groups to meet this requirement.
- (4) Each area agency, in order to be a more visible advocate for older residents of the planning and service area, shall use stationery and name cards approved by the state agency with the name of the area agency on aging and director prominently displayed.
- (5) No requirement in this section shall be deemed to supersede a prohibition contained in the Federal appropriation on the use of Federal funds to lobby the Congress; or the lobbying provision applicable to private nonprofit agencies and organizations contained in OMB Circular A-122.

5-3-.02 PLANNING

- (1) An area agency must engage in a continuous process of planning for older persons within the planning and service area. The area agency must develop and administer an area plan for a comprehensive and coordinated community-based service delivery system in the planning and service area in compliance with all applicable laws and regulations including all requirements of these policies. The planning process must reflect the following activities:

- (a) Assessment of the kinds and levels of services needed by older persons in the planning and service area;
- (b) Assessment of the effectiveness of services provided to older persons in the planning and service area;
- (c) Prioritization of unmet needs of older persons with emphasis on older persons with the greatest economic and social needs;
- (d) Setting measurable, attainable goals and objectives and standards of performance for meeting priority needs in the initiation, expansion, improvement and coordination of services for older persons;
- (e) Development of strategies or action plans which detail the activities to be used in accomplishing objectives;
- (f) Identification and analysis of barriers which impede accomplishment of objectives;
- (g) Ongoing analyses designed to obtain feedback useful for revision or refinement of objectives;
- (h) Assignment of adequate numbers of qualified staff and financial resources to carry out planning responsibilities;
- (i) Establishment of procedures which provide for utilization of information obtained through public hearings, from the advisory council, local officials, older persons and public and private agencies in the state;
- (j) The establishment of procedures that provide for the involvement of participants and service provider agen-

cies of aging programs in the area wide planning process;

- (k) Planning and implementation of other activities; and,
- (l) Development of a documented method for distributing available resources throughout the PSA in an equitable manner according to need.

5-3-.03 SYSTEMS DEVELOPMENT

Systems development requirements are found in Sections 306(a)(6) through 306(a)(20) of the Older Americans Act.

5-3-.04 DIRECT PROVISION OF SERVICES BY THE AREA AGENCY

General Rule. The area agency must contract with service providers to provide all services under the area plan, except guardianship for the elderly, unless it submits a waiver request and obtains approval from the State Agency. No supportive services, nutrition services, or in-home services will be directly provided by the area agency on aging, except where, in the judgment of the State Agency, provision of such services by the area agency on aging is necessary to assure an adequate supply of such services, or where such services are directly related to such area agency on aging's administration functions, or where such services of comparable quality can be provided more economically by the area agency on aging.

5-3-.05 RESPONSIBILITIES, REQUIREMENTS AND SERVICE PROVIDER STANDARDS

- (1) Service provider general requirements are found in Section 1321.65 of the Older Americans Act Regulations.
- (2) Contracts and Agreements. Each contract or agreement between the area agency on aging and service provider will specify:
 - (a) How the provider intends to satisfy the service needs of low-income minority individuals in the area served by the provider;

- (b) That, to the maximum extent feasible, services will be provided to low-income minority individuals in accordance with their need for such services;
 - (c) That the service provided will meet specific objectives established by the area agency on aging, for providing services to low-income minority individuals within the planning and service area; and
 - (d) That the service provider receiving state appropriations or Older Americans Act funds must comply with Tennessee Commission on Aging contracting guidelines, program standards and service descriptions; and
 - (e) That, with respect to the fiscal year preceding the fiscal year for the current plan, the service provider must:
 - (i) Identify the number of low-income minority older individuals in its service area;
 - (ii) Describe methods it used to satisfy the service needs of such minority older individuals; and
 - (iii) Provide information on the extent to which the service provider met the service objectives established by the area agency on aging.
- (3) Licensure Requirements. The area agency shall assure that all agencies, organizations and individuals providing services under the area plan are, where appropriate, properly licensed in accordance with the regulations of the

State and/or local public jurisdiction requiring such licensing, or meet the requirements for licensure.

- (4) Bonding. The area agency shall require agencies, organizations and individuals providing services under the area plan to obtain sufficient bond coverage for protection of the area agency and the State Agency from theft, forgery, embezzlement and fraud losses by the service provider agency, any of its agents or employees, full- or part-time.
- (5) Insurance Requirements. The area agency shall assure that it and all agencies, organizations and individuals providing services under the area plan either provide a statement of self-insured status or procure and maintain payment of premiums on policies of insurance coverage to:
 - (a) Adequately protect personal and real property whose acquisition cost was borne in whole or in part as a direct charge to Title III or state funds from loss or damage; and,
 - (b) Adequately cover all claims which may arise related to accidents involving personal injuries and/or use of products and services under the area plan.
- (6) All service providers which are private profit or nonprofit organizations must be incorporated under the laws of the state in which their principal place of business is located.
- (7) Area agencies must take affirmative measures to assure that small businesses and agencies and organizations operated or owned by minorities or women are utilized as contractors and

suppliers for goods and services funded under the area plan.

(8) In accordance with 45 CFR, 74.12, and consistent with the national goal of expanding opportunities for minority business enterprises, area agencies and service providers are encouraged to use minority-owned banks.

(9) Contributions for Aging Program Services. The area agency shall assure that all agencies and organizations providing services under the area plan shall provide the older persons receiving such services with the opportunity to contribute all or part of the costs of the services provided. Specific instructions are found in 11-8-.01.

(10) Code of Conduct

(a) No service provider staff person or agent shall solicit or accept gratuities, favors, or anything of monetary value from service provider contractors, potential contractors or participants.

(b) To the extent possible under local, state, and federal law, rules, and regulations, penalties or other disciplinary actions will be applied for violations of this code by employees of Older Americans Act service provider agencies.

(11) Nepotism - Hiring of Relatives

(a) Two or more members of an immediate family shall not be employed by a Older Americans Act or state appropriation service provider of the area agency if such employment will result in an individual

supervising a member of his/her immediate family, or if one member occupies a position which has influence over another's employment, promotion, salary administration and other related management or personnel considerations.

(b) For the purpose of this policy, the immediate family shall include spouse, mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, grandmother, grandfather, grandson, and granddaughter.

(c) This policy shall be applicable for multipurpose agencies only for that program component which is funded wholly or in part by Older Americans Act funds or State of Tennessee appropriations for aging programs.

5-3-.06 DESIGNATION OF COMMUNITY FOCAL POINTS

The resources made available to the area agency on aging under the Older Americans Act are to be used to finance those activities necessary to achieve elements of a community based system described in section 5-3 of these policies. For the purpose of assuring access to information and services for older persons, the area agency shall:

- (1) With the approval of the State agency, define "community" for the purposes of focal point designation.
- (2) Work with elected community officials, community leaders and other applicable agencies and institutions in the planning and service area to designate one or more focal points on aging in each community, as appropriate.

In making this designation, the area agency must:

- (a) Give special consideration to multipurpose senior centers; and
 - (b) Assure that services financed under the Older Americans Act and state funds in, or on behalf of, the community will be either based at, linked to or coordinated with the focal points designated.
- (3) Specify in the area plan the communities in which it proposes to designate and develop focal points. In making the determination, the area agency must consider:
- (a) Communities with the greatest incidence of older persons with the greatest economic or social need;
 - (b) The delivery pattern of services funded under the Older Americans Act and funded from other sources;
 - (c) The location of multi-purpose senior centers and congregate nutrition sites;
 - (d) The geographic boundaries of communities and natural neighborhoods; and,
 - (e) The location of facilities suitable for designation.
- (4) In developing collocation of services, an area agency must:
- (a) Establish guidelines for operating schedules at the focal point which are convenient for older persons in the community;
 - (b) Assure that the community focal point coordinates with existing information and assistance and emergency service programs; and,

- (c) Encourage other service providers to collocate their services at the community focal point and coordinate with other services provided at the focal point.

5-4 ORGANIZATION AND STAFFING OF THE AREA AGENCY ON AGING

5-4-.01 ELIGIBLE ORGANIZATION UNIT

- (1) An area agency may be either:
 - (a) An agency whose single purpose is to administer programs for older persons; or,
 - (b) A separate organizational unit within a multi-purpose agency which functions only for purposes of serving as the area agency on aging. A multi-purpose agency must delegate all necessary authority and responsibility under the Older Americans Act to the separate organizational unit within the agency.

5-4-.02 AUTHORITY OF THE AREA AGENCY

The area agency must have legal authority and organizational capacity to develop the area plan on aging, and to carry out effectively the functions and responsibilities prescribed for an area agency on aging under Section 306 of the Older Americans Act.

5-4-.03 AREA AGENCY STAFFING REQUIREMENTS

- (1) The area agency must develop and implement a staffing plan consistent with federal and state requirements which sets forth the number and type of personnel employed and the timetable for hiring staff to carry out the functions of the area agency on aging. The area agency is responsible for recruiting and employing adequate numbers of staff members

to develop and administer the area plan, and to carry out the functions and responsibilities prescribed by the Older Americans Act, and its accompanying regulations and these policies.

- (2) The area agency will be headed by a qualified individual (director), who is assigned full-time solely on the planning, development and implementation of the area plan, management and operation of daily activities of the area agency on aging, and advocacy on behalf of all older persons within the PSA.
- (3) Adequate numbers of staff, qualified by education and experience, are to be assigned full-time or part-time to the area agency for the development and administration of the plan and the conduct of required area agency functions. Minimum standards for the number and types of staff positions, in addition to the director, shall be:
 - (a) A financial specialist, qualified by education and/or experience who, along with other area agency on aging assigned responsibilities, shall be responsible for the fiscal functioning of the area agency, financial monitoring of, and technical assistance to service providers on a full-time basis;
 - (b) A program specialist/coordinator, who along with other area agency on aging assigned responsibilities, shall be responsible for program monitoring of, and technical assistance to service providers on a full-time basis;and

- (c) Adequate secretarial and clerical support.

Excluding secretarial staff, all staff members, including the director, should be responsible for some required monitoring and assessment functions of the area agency. Additional staff may be needed to insure effective monitoring of service contracts issued by the area agency. Requests for less than the minimum number of staff positions must be submitted as a waiver to these state policies on the appropriate area plan exhibit form and include a detailed justification statement.

- (4) Approval of the area agency's staffing plan, including job descriptions and resumes of all staff, shall be through approval of the area plan, and the area agency must have on file for review a copy of the staffing plan that identifies the number and types of staff, including job descriptions and resumes, assigned to carry out area agency responsibilities and functions.
- (5) Once the area agency's staffing plan has been approved by the State Agency, it must be adhered to in all personnel actions taken by the area agency. When an area agency determines that it must revise this staffing plan, it must obtain written prior approval of the State Agency.
- (6) Subject to the requirements of merit employment systems of State and local governments preference shall be given to older individuals for any staff positions (full-time or part-time) in the area agency on aging for which such

individuals qualify. Also special consideration shall be given to individuals with formal training in the field of aging (including an educational specialty or emphasis in aging or a degree or certificate in aging) or equivalent professional experience in the field of aging.

- (7) To the maximum extent feasible, the area agency should provide opportunities for volunteer service to individuals including, but not limited to, college and high school students, older persons, and others.
- (8) An area agency must meet the non-discrimination requirements of Section 5-10 of these policies.

5-4-.04 AREA AGENCY ADVISORY COUNCIL FUNCTIONS AND COMPOSITION

- (1) General requirements for area agency advisory councils are found in Section 1321.57 of the Older Americans Act Regulations.
- (2) The opinions and recommendations of the advisory council are to be solicited by the area agency director and governing body, and are to be given serious consideration, prior to determining particular actions and formulating policies.
- (3) The advisory council shall participate in the development and implementation of the area plan. Such area plan shall contain a written statement from the chairperson of the advisory council verifying the council's participation. The area plan does not require approval by the area agency advisory council, but only review and comment.
- (4) The area advisory council shall function in an advisory rather than a policy making or decision making capacity.

- (5) a. An individual, whose salary is paid for in whole or in part through Older Americans Act and State appropriated funds, may not serve as a voting member of an area agency or service provider agency advisory council.
- b. No person who is on the area agency or service provider agency board of directors shall serve as a voting member of the advisory council for such body.
- (6) The area agency must provide staff and assistance to the advisory council.
- (7) The advisory council shall adopt bylaws which establish tenure of membership, rotation of terms, methods of selection of membership and number of members. Such methods shall provide for appropriate social, economic, professional, and geographic representations. These bylaws shall be included as a component of the area plan and only changes shall be submitted with the update.

5-5 AREA PLAN PURPOSE, CONTENT, SUBMISSION, REVIEW AND APPROVAL PROCESS

5-5-.01 PURPOSE OF THE AREA PLAN

- (1) The area plan for programs on aging is a detailed statement of the manner in which the area agency is developing a comprehensive and coordinated community-based system throughout the planning and service area for all services authorized under Title III of the Older Americans Act. The area agency may receive funding under the Older Americans Act only under an approved area plan. An area agency may expend funds under the Older Americans Act only for activities under its approved plan.

- (2) An area plan will be for a two, three or four year period specified by the State Agency and shall be updated annually as specified by the State Agency.
- (3) An area agency must submit its area plan, or any amendment, to the State Agency in accordance with the uniform area plan instructions and on the uniform area plan format provided by the State Agency and sections 5-4-.04(3) and 5-5-.03 of these policies.
- (4) The State will allocate federal funds to PSA's in conformity with the intrastate funding formula as described in Section 0030-1-10-.01 of the Rules of the State of Tennessee.

5-5-.02 CONTENT OF AREA PLAN

Requirements for content of an area plan on aging are found in Section 306(a) through 306(e) of the Older Americans Act.

5-5-.03 SUBMISSION OF THE AREA PLAN

- (1) An area plan must be submitted to the State Agency in accordance with the schedule and procedures established by the State Agency. In developing the area plan, the area agency on aging shall allow sufficient time for the completion of the review process.
- (2) The area plan must be approved by the governing board of the area agency and signed by the chairman of the advisory council.
- (3) At least two weeks prior to submission of the completed area plan or amendment, the area agency shall conduct a public hearing(s) (in accordance with Section 5-5-.08) for the purpose of providing the opportunity for older persons, the

general public, officials of general purpose local government and other interested parties to comment on the area plan.

5-5-.04 REVIEW OF THE AREA PLAN

The following schedule outlines the basic process for review of area plans:

- (1) Four copies of the area plan or annual update must be submitted to the State Agency in accordance to the timetable established by the State Agency. Plans should be mailed or delivered to the Supervisor of the Community Services Division.
- (2) The State Agency will conduct a staff review of an area plan or an update and will provide the area agency written recommendations or conditions of the plan within 30 days after it is submitted.
- (3) Any questions or assistance needed on the area plan format, criteria for approval, instructions, review comments or other aspects of area plan development and review should be directed to the Supervisor of Community Services.
- (4) If substantive questions concerning an area plan arise during the State Agency's review process which are not covered clearly by instructions or these policies, the Supervisor of Community Services will refer the question to the Director of the State Agency.

5-5-.05 PROCEDURES FOR APPROVAL OF THE AREA PLAN

- (1) The State Agency will approve an area plan or update when the plan meets all of the requirements prescribed by the State Agency.
- (2) The State Agency shall notify the area agency on aging of its approval of the area plan through the issuance of a written "Notification of Contract Award" (NCA).
- (3) For approval of subsequent year area plan operations, the "Notification of Contract Award" shall be issued prior to the beginning of the budget year for which the award is being made, if Congressional appropriations have been made.
- (4) When the State Agency does not have authorization to obligate Older Americans Act funds at the beginning of a fiscal year, and if the area agency begins a second or subsequent budget year during this period, the NCA shall be issued when funds are available. This award will cover program expenses retroactively to the beginning date of the budget year.
- (5) Two separate "Notification of Contract Award" forms shall be issued to the area agency:
 - (a) One for federal funds including:
 - (i) Planning and administration budget activities at a 75% federal/25% nonfederal cost sharing ratio; and,
 - (ii) Supportive service budget activities at a 85% federal/15% nonfederal cost sharing ratio (5% state/10% local); and,
 - (b) One for state appropriated funds including:

- (i) Multipurpose senior center funds (at a match ratio 50/50);
 - (ii) State nutrition funds (90/10 match ratio);
 - (iii) Guardianship funds (no match required); and
 - (iv) Homemaker funds (90/10 match ratio).
- (6) The State Agency will require in writing the area agency's acceptance of the NCA as approved, including any budget revisions under which the award of funds is made, by the proper signing of contracts covering the budget period.
- (7) The area agency must operate the plan in accordance with the contract.
- (8) No funds will be released to an area agency until the contracts are properly signed and returned to the State Agency.

5-5-.06 APPROVAL OF AN AREA PLAN WITH CONDITIONS

- (1) The State Agency may approve an area plan or update with conditions when necessary.
- (2) The conditions of approval will be in writing and will be clearly noted on the NCA form or on an attachment.
- (3) All conditions placed on an approved area plan will be consistent with the authority delegated to the Commission as the State Agency on Aging.
- (4) When an area plan is approved with conditions, it shall be incumbent upon the grantee to meet these conditions within the specified time frame.

5-5-.07 REVISIONS AND AMENDMENTS TO THE AREA PLAN

- (1) Whenever there is any material change in the content or administration of the area plan as approved, or in the operation of the area agency affecting the plan, the area plan shall be appropriately revised. The nature and extent of the revision will determine what actions shall be taken by the area agency and the State Agency.
- (2) An area agency must amend the plan if:
 - (a) A new or amended state or federal statute or regulation requires a new provision, or conflicts with any existing plan provision;
 - (b) A U.S. Supreme Court decision changes the interpretation of an applicable statute or regulation;
 - (c) The area agency proposes to change the designation of the single organizational unit or component unit; or,
 - (d) The State Agency requires further annual amendments.
- (3) The following types of revisions shall require prior approval of the State Agency:
 - (a) Significant changes in plan objectives;
 - (b) Significant changes in program content; or
 - (c) New programs to be initiated with Older Americans Act funds.
- (4) Those revisions described in (2) and (3) require the prior approval of the State Agency. Although the area agency may make other minor revisions to its area plan without prior approval, it is expected to maintain close communication with the State Agency in implementing such revisions.

- (5) The State Agency will review a request for a revision at any time.

5-5-.08 STANDARDS FOR CONDUCTING PUBLIC HEARINGS FOR REVIEW OF AREA PLANS AND AMENDMENTS OF THE PLAN

- (1) At least two weeks before submitting an area plan, or significant amendments, to the State Agency, an area agency must hold at least one public hearing on the area plan or the significant amendments to the area plan. Public hearing(s) must be held within the geographical boundaries of the planning and service area (PSA) for which the area plan is developed.
- (2) The area agency must give adequate notice to older persons, public officials and other interested parties of the time(s), date(s), and location(s) of the public hearing(s).
- (3) The area agency must hold the public hearing(s) at a time and location which permits older persons, public officials and other interested persons reasonable opportunity to participate.
- (4) The area agency will develop procedures to assure effective participation of actual or potential consumers of services under the area plan at the local level through public hearings.
- (5) The area agency must submit the area plan and amendments for review and comment, to the area agency advisory prior to submission to the state agency. The advisory council shall review the area plan before the area agency on aging conducts public hearings on the plan, and again prior to final submission of the plan to the State Agency if changes are made to the plan.

(6) The area agency must apply the following standards in the conduct of its public hearing(s):

- (a) The public hearing(s) must be scheduled to allow sufficient time for review of the area plan by the advisory council at least one week prior to the date of the public hearing(s).
- (b) Public hearings should be conducted at easily accessible public locations, such as community centers, public auditoriums, public schools or community colleges, senior centers, or county courthouses.
- (c) Available transportation resources should be used to insure that as many older persons as possible are able to attend the public hearing(s).
- (d) Notice of time and place of the public hearing(s) must be given at least two weeks in advance of the hearing(s), for example, by paid advertisement or news release in the major county/district newspaper, radio, or television station(s). Wherever possible, notice should be given to possible participants through senior centers, nutrition sites, county courthouses, and post offices.
- (e) Participants in the public hearing should be asked to register by county.
- (f) Members of the area agency advisory council should be in attendance, introduced, and assist in the conduct of the hearing(s). Also, a list of the names and

addresses of area agency advisory council members with county representing should be provided at the hearing.

(g) The director, or program leader, should present each program objective and allow for discussion or questions on each. All questions or comments from participants should be recorded either by tape recording or by secretary.

(h) As a minimum, the hearing(s) must include the following:

(i) An explanation of the Older Americans Act and a description of services funded under the Act;

(ii) An explanation of the function and responsibilities of an area agency, what an area plan represents, the period of time it covers, and why a public hearing is required;

(iii) An explanation of the differences between national, state and locally developed objectives;

(iv) An explanation of all terms and phrases used in presenting the objectives which may not be easily understood by participants; and

(v) Details and explanations of proposals to pay for program development and coordination as a cost of supportive services.

(i) Complete copies of the area plan must be made available for public inspection at least in each county of the PSA and provision should be made for receiving

comments and questions outside of the public hearing(s).

- (j) Documentation of the methods used to distribute aging funds, within State Agency guidelines, among service providers must be available at the public hearing(s).
 - (k) The area agency must obtain review and comment from the general public including older persons, government, and the aging service network prior to using additional amounts of direct supportive service funds for program development and coordination.
 - (l) Procedures for review and analysis of comments received at the public hearing(s) must be established and described in writing.
- (7) The results of the public hearing must be reported in the area plan on the appropriate exhibit. Significant comments raised during the hearing and response by the area agency toward incorporation of these comments into the area planning effort must be included.
- (8) Summaries of the comments made at the public hearing(s) must be available at the office of the area agency after the public hearing(s).
- (9) All records of the public hearing(s) must be on file at the area agency as a part of the official area plan file.

5-5-.09 SUSPENSION OF AREA PLANS

The State Agency's procedures for suspension of area plans are found in Section 0030-1-5-.05 of the Rules of the State of Tennessee.

5-5-.10 TERMINATION OF AREA PLAN FUNDING

The State Agency's procedures for termination of area plans are found in Section 0030-1-5-.06 of the Rules of the State of Tennessee.

5-5-.11 CLOSE-OUT PROCEDURES

When federal support for an area plan is terminated on completion of the final approved budget year or earlier, the following policies and procedures shall adhere:

- (1) The area agency shall immediately refund to the State Agency any unencumbered balance of cash advanced to the area agency.
- (2) The area agency shall complete and submit to the State Agency, within sixty (60) days after the date of completion or termination, a final program and financial report and any other financial or performance reports required as a condition of the grant.
- (3) The State Agency shall make a settlement for any upward or downward adjustments to the federal share of costs after these reports are received.
- (4) The area agency shall dispose of all equipment and supplies purchased with Older Americans Act funds in accordance with those procedures described in Chapter 11 of these policies. Any funds realized from the sale of such equipment or supplies is an adjustment in program costs.
- (5) In the event a final audit has not been performed prior to close-out of the grant, the State Agency retains the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

- (6) The area agency shall provide for the close-out of all service providers in accordance with Chapter 11 of these policies.

5-6 PROGRAM REPORTING, MONITORING AND ASSESSMENT REQUIREMENTS FOR AREA AGENCIES ON AGING

5-6-.01 QUARTERLY REPORTS

- (a) Area agencies funded under the Older Americans Act and State appropriations must prepare and submit quarterly program reports to the State Agency.
- (b) Data submitted in these reports are based on the State fiscal year, which begins on July 1 and ends the following June 30, regardless when funding started.
- (c) Reports are due in the State Agency's office on the twentieth (20th) day of the month following the quarter being reported on. If the due date falls on a weekend or holiday, the reports will be due on the following work day.
- (d) Required reports must be submitted to the State Agency according to the instructions and schedule provided. Failure to comply with the report requirements may result in either withholding of funds or possible suspension/termination of operations. This procedure is necessary since late or improperly completed reports often prevent the state from complying with AoA report requirements or from properly carrying out its management function.
- (e) The State Agency requires each area agency to establish a program reporting system that will insure the

provision of accurate program reports from service providers covered by the area plan. Such reports are deemed necessary for the area agency to meet its reporting requirements to the State Agency and to facilitate proper administration of the area plan.

5-6-.02 MONITORING AND ASSESSMENT

- (1) Monitoring is the ongoing process by which the area agency systematically gathers and assembles data about activities and programs carried out under the area plan to assure that they operate within the constraints of legislative and administrative regulations, policies, guidelines, rules and contractual agreements.
- (2) Assessment is the periodic process by which the area agency gathers and analyzes all available information through use of a structured tool, during an on-site visit, in order to identify the strengths and weaknesses and determine the efficiency and effectiveness of activities carried out under the area plan. An assessment visit is followed-up with a formal report to the service provider. (See Appendix for assessment guides.)
- (3) The area agency shall monitor each service provider on a continuing basis, assess each service provider periodically, and perform a complete program evaluation prior to recontracting. Civil rights review shall be a component of one of the on-site visits.
- (4) The written records of monitoring and assessment activities of the area agency must be maintained in the area agency's

official files permitting authorized persons to review the information.

5-7 CONFIDENTIALITY REQUIREMENTS FOR PARTICIPANT INFORMATION

Confidentiality requirements for participant information are found in Section 0030-1-5-.08 of the Rules of the State of Tennessee.

5-8 PUBLIC INFORMATION REQUIREMENTS (FREEDOM OF INFORMATION) FOR AREA AGENCIES ON AGING AND SERVICE PROVIDER AGENCIES

5-8-.01 OPEN MEETINGS

Open meetings requirements are found in Section 0030-1-5-.09 of the Rules of the State of Tennessee.

5-8-.02 FREEDOM OF INFORMATION

Freedom of information requirements are found in Section 0030-1-5-.10 of the Rules of the State of Tennessee.

5-8-.03 PUBLICATIONS

- (1) Any books, reports, pamphlets, papers or articles based on activities receiving support from aging funds under the Older Americans Act must contain acknowledgment of that support.
- (2) The State Agency reserves the option to receive free of charge up to ten (10) copies of any publication developed as part of area agency on aging planning and supportive service operations, and ten (10) copies of any publication based upon such operations.
- (3) The Administration on Aging reserves the option to receive free of charge up to twelve (12) copies of any publication developed as part of area agency on aging planning and supportive service operations, and two (2) copies of any publication based upon such operations.
- (4) Where area agency on aging planning and supportive service operations result in a book or other material, the author is free to obtain a copyright, but both the Administration on Aging and the State Agency reserve a royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use, or authorize others to use, all such material for government purposes. Any funds realized from the sale of such publication is an adjustment in program costs.

5-9 ENFORCEMENT OF FEDERAL AND STATE LAWS, POLICIES AND REGULATIONS

- (a) An area agency must assume full contractual responsibility for assuring that all funds awarded to it under the Older American Act, as amended, and under State of Tennessee appropriations are utilized in accordance with all federal and state laws, rules, policies and procedures contained in or referenced by the State Agency's Policies and Procedures for Programs on Aging.
- (b) The area agency must have written procedures which are approved by the State Agency for complying with all of its functions as required by federal and state laws and regulations, and by these policies. Such written procedures must be referenced in the area plan and kept on file. All written policies and procedures must be available for inspection on request at the area agency on aging.
- (3) The area agency on aging must insure that officials and employees of all service provider agencies who may come in direct contact with older clients are aware of their responsibility under the Adult Protection Act of 1978 T.C.A. Section 14-25-103(b) which "requires any person having reasonable cause to suspect that an adult has suffered abuse, neglect or exploitation must report such information" to the nearest county office of the Tennessee Department of Human Services.

5-10 NON-DISCRIMINATION POLICIES AND REQUIREMENTS

Each area agency will provide assurances that all activities conducted by the area agency on aging, service providers, or contracting agencies receiving funds under an area plan, comply with the all pertinent laws and regulations.

5-10-.01 CIVIL RIGHTS

- (1) In accordance with Title VI of the Civil Rights Act of 1964 (45 CFR, Part 80), "No person in the United States shall, on the grounds of race, color, or national origin, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." Area agencies must complete HHS Form 441 as part of the area plan. (U.S.C.A. Title 28, Section 1447.)
- (2) In accordance with T.C.A. 4-21-115, et. seq., any program participant or potential beneficiary of any program or project funded by the Tennessee Commission on Aging under the Older Americans Act who suspects denial of any services, benefits or financial assistance, on the basis of race, creed, color, sex, age or national origin, or who suspects that such factors affect the quality, quantity, or range of services, benefits or financial assistance extended, shall have the right to file a complaint in accordance with the Tennessee Commission on Aging and area agency on aging Title VI of the Civil Rights Act Implementation Plan, and established procedures thereunder, and to expect a proper investigation of the complaint.
- (3) As required in the State Agency on Aging, Title VI of the Civil Rights Act Implementation Plan, all recipients of

awards, whether area agencies, grantees, sub-grantees, contractors or sub-contractors shall post, in a conspicuous place, notices setting forth the procedure for filing grievances of discriminating practices and shall make available a copy of the procedures to all program participants or potential beneficiaries upon request.

5-10-.02 AFFIRMATIVE ACTION

- (1) In accordance with Title VII of the Equal Employment Opportunity Act of 1972 (29 CFR, Part 1608 and 45 CFR, Part 70 "It shall be an unlawful employment practice for an employee (public or private) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment, because of such individual's race, color, religion, sex or national origin."
- (2) Each area agency shall develop and implement an affirmative action plan which complies with the regulations and guidelines of the U.S. Equal Employment Opportunity Commission and the requirements of 5 CFR, Part 900, Subpart F, "Standards for a Merit System of Personnel Administration."
- (3) The area agency must keep in its official files, a current, approved affirmative action plan as a component of its area plan or area plan update. No area plan will be approved for funding without an approved affirmative action plan.

5-10-.03 NON-DISCRIMINATION AGAINST THE HANDICAPPED

- (1) In accordance with the Rehabilitation act of 1973, Sections 503 and 504 (45 CFR, Part 84), "employers and contractors must take affirmative action to provide employment opportunities for handicapped individuals and are prohibited from discrimination against individuals on the basis of their handicap."
- (2) Employers and contractors also must make a reasonable accommodation to the physical and mental limitation of an employee or applicant unless the employer or contractor can demonstrate that such an accommodation would impose an undue hardship on the conduct of the employer's or contractor's business.
- (3) Area agencies must make assurances that discriminatory practices prohibited by this Act and accompanying regulations are not practiced in any programs funded under the area plan.

5-10-.04 NON-DISCRIMINATION AGAINST VETERANS

- (1) The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (U.S.C.A. Title 38, Chapter 2012) requires government contractors with federal contracts or subcontracts of \$10,000 or more to take affirmative action "to employ and advance in employment:
 - (a) Qualified Vietnam era veterans during the first four years after their discharge
 - (b) Qualified disabled veterans through their working life if they have 30% or more disability."

- (2) The Vietnam era has been defined as August 5, 1964 through May 31, 1975.
- (3) Area agencies should incorporate provisions of this Act, where applicable, into their affirmative action practices and inform contractors and sub-grantees of the requirements.

5-10-.05 AGE DISCRIMINATION

- (1) In accordance with the Age Discrimination Act of 1975 regulations, (29 CFR, Section 860.1), "No person in the U.S. shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (U.S.C.A. Title 42 Chapter 2000.)
- (2) In accordance with the Age Discrimination in Employment act of 1967, "it shall be unlawful for an employer to refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age." (U.S.C.A. Title 29 Chapters 621-634)
- (3) Within the definitions of U.S.C.A. Title 29 Chapter 14, Section 631, these prohibitions outlined in paragraph (2) are limited to individuals who are at least forty (40) years of age but less than seventy (70) years of age.
- (4) In accordance with 45 CFR, 1321.17(c), but subject to the requirements of merit system guidelines of local governments, preference shall be given to persons aged sixty

(60) or over for any paid staff positions (full or part-time) within the area agency or service provider agencies for which such persons qualify.